

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

QUALON DOUGLAS	§	
	§	
v.	§	CIVIL ACTION NO.
	§	_____
DORCHESTER APARTMENTS and	§	
RICHDALE APARTMENTS	§	

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant Dorchester Properties, Ltd (improperly sued as Dorchester Apartments and Richdale Apartments) (“Dorchester”) files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1331.

I. INTRODUCTION

1. Pursuant to 28 U.S.C. § 1441, *et seq.*, this civil action is removed from the County Court at Law No. 3 of Dallas County, Texas, where this matter was pending under Cause No. CC-21-03933-C in a matter styled *Qualon Douglas v. Dorchester Apartments and Richdale Apartments* (the “State Court Action”).

II. NATURE OF THE SUIT

2. Plaintiff filed suit stemming from the unprecedented winter weather event in February 2021 when Defendant temporarily turned off its residents’ water. After Plaintiff appealed the Justice of the Peace’s granting of Defendant’s Amended Motion for Summary Disposition to the County Court at Law, Plaintiff filed his Amended First Original Petition. Plaintiff’s Amended First Original Petition alleged numerous causes of action, including violations of the Fair Housing Act. Plaintiff’s Amended First Original Petition at 2 ¶¶5, 6.

III. TIMELINESS OF REMOVAL

3. Plaintiff commenced this lawsuit by filing his Small Claims Petition on March 5, 2021 in the Justice Court, Precinct 3, Place 1, Dallas County, Texas. Defendant filed its Original Answer on March 19, 2021. Defendant filed its Amended Motion for Summary Disposition on July 1, 2021, which the Court granted on July 29, 2021. Plaintiff filed a Notice of Appeal and a Statement of Affidavit of Inability to Pay Costs. On October 18, 2021, the County Court at Law No. 3, Dallas County, Texas held a hearing on Plaintiff's inability to pay costs, and ordered Plaintiff to pay the required bond. Plaintiff filed his Amended First Original Petition on December 17, 2021. Defendant filed its First Amended Answer on January 13, 2022. This removal is timely because it is filed less than 30 days after Plaintiff filed his Amended First Original Petition. 28 U.S.C. § 1446.

IV. BASIS FOR REMOVAL JURISDICTION

4. Removal is proper under 28 U.S.C. §§ 1441 and 1331. Plaintiff's Amended First Original Petition alleges violations of the Fair Housing Act. *Plaintiff's Amended First Original Petition* at 2 ¶¶5, 6.

V. THIS NOTICE IS PROCEDURALLY CORRECT

5. Defendant has attached to this Notice of Removal the documents required by 28 U.S.C. § 1446(a) and Local Rule 81.1 as follows:

- A: Index of documents filed in the State Court Action.
- B: Docket Sheet in the State Court Action.
- C: Copies of process, pleadings and orders filed in State Court.
[NOTE: The State Court Action does not include a copy of Defendant's First Amended Answer because it was not yet file marked at the time of filing this removal. The Answer was electronically filed on January 13, 2022. The pleadings also do not include all pleadings from the Justice of the Peace, Precinct 3, Place 1. There is a delay between the Justice of the Peace clerk and the County Court at Law clerk regarding the Justice of the Peace

file. Defendant repeatedly requested the entire Justice of the Peace pleadings be sent to the County Court at Law. Included within the index and this section is an email from the Justice of the Peace clerk indicating the entire file will be sent to the County Court at Law. Defense counsel has emailed and/or called the County Court at Law clerk and Court coordinator every day this week regarding the incomplete file in the County Court at Law in preparation for filing this removal. Because the removal is a hard statutory deadline, Defendant is filing the removal today.

D: Signed Certificate of Interested Persons.

6. Defendant is filing with the Notice of Removal a completed Civil Cover Sheet and Supplemental Civil Cover Sheet.

7. In accordance with 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to all parties and to the Clerk of County Court at Law No. 3, Dallas County, Texas.

8. A jury trial has not been demanded in the State Court Action.

9. Trial has not commenced in County Court at Law No. 3, Dallas County, Texas.

VI. CONCLUSION

10. Since Plaintiff asserts a claim raising a federal question in Plaintiff's Amended First Original Petition, Defendant desires and is entitled to remove the lawsuit filed in County Court at Law No. 3, Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division.

WHEREFORE, PREMISES CONSIDERED, Defendant Dorchester Properties, Ltd, pursuant to and in conformance with the statutory requirements, removes this action from County Court at Law No. 3, Dallas County, Texas, to this Court.

Respectfully submitted,

COBB MARTINEZ WOODWARD PLLC
1700 Pacific Avenue, Suite 3100
Dallas, Texas 75201
214.220.5210
214.220.5299 Fax

By: /s/ Stacy Hoffman Bruce
STACY HOFFMAN BRUCE
Texas Bar No. 24036793
sbruce@cobbmartinez.com
HANNAH L. HANSEN
Texas Bar No. 24116483
hhansen@cobbmartinez.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify a true and correct copy of this document has been forwarded to Plaintiff either by e-service, telefax, electronic mail, and/or regular U.S. mail on this 14th day of January, 2022:

Qualon Douglas
P.O. Box 260155
Plano, TX 75026
qualondouglas@gmail.com

/s/ Stacy Hoffman Bruce
STACY HOFFMAN BRUCE